



W.P(MD)No.2106 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2106 of 2018

and

W.M.P(MD)Nos.2356 & 2357 of 2018

Nancy Anitha

... Petitioner

Vs

1.Chairman & Managing Director,
LPG Business Unit,
Bharat Petroleum Corporation Limited,
Bharat Bhavan II,
5th Floor, 4 & 6 Currimbhoy Road,
Ballard Estate,
Mumbai – 400 001.

2.Regional Manager,
Regional Office,
LPG Business Unit,
Bharat Petroleum Corporation Limited,
No.1, Ranganathan Gardens,
Off 11th Main Road,
Anna Nagar,
Chennai – 400 060.

3.Territory Manager (LPG),
Bharat Petroleum Corporation Limited,
Thanjavur LPG Territory/Plant,
MGM TB Sanitorium (P.O),
Sengipatti (via),
Thanjavur – 613 401.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the third



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respondent made in Ref.TNJ:LPG:GV (VIRAGALUR) dated 04.01.2018 and quash the same thereby directing the respondents to accept the registered lease deed Document No.39 of 2018 dated 08.01.2018 relating to S.F.No.71/1, New S.F.No.542/19, Viragalur Village, Thanjavur District as submitted in accordance with law in terms with the Unified Guidelines for selection of distributes dated June 2017 and grant the letter of intent in accordance with law.

For Petitioner : Mr.P.Sivachandran

For Respondents : Mr.S.Natesh Raja

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent, dated 04.01.2018, thereby rejected the candidature and forfeited the deposit for the award of Gramin Vitarak at Viragalur, Tiruchirappalli District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The respondents called for the distributorship of Liquefied Petroleum Gas (hereinafter referred to as 'LPG') to consumers in Trichy District. The petitioner had applied and she was



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selected by draw of lot as a distributor for LPG in Virugallur, Tiruchirappalli District under the open category for women.

Subsequently, the petitioner was informed by the third respondent by communication dated 27.11.2017 that she was declared as a successful candidate and directed to deposit a sum of Rs.40,000/- as a security deposit in favour of the third respondent and also directed the petitioner to submit the documents relating to Identity proof, declaration, date of birth, educational qualification, Income tax, PAN card, undertaking as applicable to appendix 4 and land documents pertaining to land in the name of the applicant or family unit, registered sale deed/gift deed/lease deed (15 years)/mutation of Government record. While the petitioner submitting her property details, she wrongly stated the survey number as Survey No.147 in the application but had submitted the document relating to Survey No.71/1 situated at Viragalur which is standing in the name of the petitioner's aunt-Maggie Margaret ie. Petitioner's mother's sister. Therefore, the petitioner's candidature was cancelled by the communication dated 04.01.2018 on the ground that the document of the property purchased by the applicant stands in the name of one Maggie Margaret, who is not a member of the family.



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4.The learned counsel appearing for the petitioner would submit that at the time of field verification on 13.12.2017, the petitioner had submitted alternative land for the purpose of a showroom comprised in Survey No.71/1, new Survey No.542/19 situated at Viragalur Village. She also sought for further time to submit the registered lease deed for 15 years in respect of the said property. However, the third respondent, without considering the same and without giving any opportunity to the petitioner, simply rejected the candidature itself for the distribution of LPG gas.

5.On perusal of the counter-affidavit filed by the respondents and on the submissions made by Mr.S.Natesh Raja, learned counsel appearing for the respondents 1 to 3 would reveal that the applications were invited for selection of LPG distributorship on 20.08.2017 and the last date for submitting the application was fixed on 25.09.2017. The petitioner submitted her online application on 24.09.2017. As per Clause 26 of the Brochure, if any statement made by the applicant in the application or in the documents enclosed therewith or subsequently submitted in pursuance of the application at any stage is found to have been suppressed/misrepresented/incorrect or false affecting the eligibility, then the application/candidature is liable to be rejected without



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assigning any reason. The field verification of credentials was carried out on 13.12.2017 as per Clause 18 of the Brochure to ascertain the veracity/truth of the facts/information given in the application for the subject location. During field verification of credentials, it was observed that there is no land under Survey No. 147 owned by the petitioner as mentioned in the application. In fact, the petitioner herself declared to the field verification of the credential officer that she had mentioned the wrong survey number in her application as 147 for LPG godown and showroom. Thereafter, the petitioner had furnished alternate lands for godown purposes for the land comprised in Survey Nos.353/7A1 and 6/7B owned by her father. However, during field verification of credentials, it was observed that the said land is situated at Pullambadi Village and does not meet the minimum dimensions for LPG godown ie., 21 meters X 26 meters as required. Therefore, the said land was not suitable for godown.

6.That apart, the land which was furnished by the petitioner as alternate land for LPG showroom comprised in Survey No.71/1 situated at Viragalur Village stands in the name of her aunt Margaret Maggie. However, she does not come under the family unit as defined in Clause 8(A)(n) of the Brochure. Therefore, the



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candidature of the petitioner was rightly cancelled and forfeited the deposit which was made by the petitioner.

7.In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent, dated 04.01.2018. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

8.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

12.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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